



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 19 नवम्बर, 1977/28 कार्तिक, 1899

GOVERNMENT OF HIMACHAL PRADESH

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-2, the 18th November, 1977

No. TPT. 6-27/76.—Whereas the State of Himachal Pradesh in order to avoid hardships to passengers travelling in stage carriage and contract carriage registered and/or licensed in the State of Himachal Pradesh to carry passengers for hire or reward and whose originating or destination point is in the State of Himachal Pradesh becoming victims of accidents in stage carriage/contract carriage in which they are travelling;

And whereas with effect from 14th November, 1977 the State of Himachal Pradesh has levied a surcharge for the purpose of Insurance of Passengers, on the Tax payable by every passenger carried in/by a stage carriage or contract carriage for the purpose of carrying passengers for hire or reward for each journey at the rates specified in section 3-A of the Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1977;

Now, therefore, in exercise of the powers conferred by section 3-A of the Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1977, the Governor of Himachal Pradesh is pleased to make the following 'Passengers Insurance Scheme' which shall come into force with effect from 14th November, 1977:—

THE HIMACHAL PRADESH PASSENGERS INSURANCE SCHEME

Establishment of Fund.

1. (a) There shall be established a fund known as 'Passenger Insurance Scheme Fund' which shall be operated upon by the Commissioner Transport or such other officer as may be authorised by a notification in the official gazette by the State Government in this behalf.

(b) The amount collected under section 3-A of the Himachal Pradesh Passengers and Goods Taxation Act, 1955 shall be credited in this fund.

(c) The State Government shall make Rules for the administration of this Fund.

Risk covered.

2. The Government shall cover the risk to the ex-gratia payment as laid down in the Schedule for death or dis-ablement of the bonafide passenger travelling in stage carriage or contract carriage registered and/or licensed in the State of Himachal Pradesh to carry passengers for hire or reward and whose originating or destination point is in the State of Himachal Pradesh, and who have paid the fare, passenger tax and insurance surcharge and on whose behalf the said payments have been made and who are covered under the Scheme for the victims in the accidents and arising out of and directly or solely from the accidents of the stage carriage or contract carriage as hereinabove mentioned are being plied to carry passengers for hire or reward.

All *bona fide* passengers travelling in the stage carriage or contract carriage as hereinabove mentioned and whose destination or starting point fall within the State of Himachal Pradesh shall be entitled to the ex-gratia payment for death or dis-ablement caused in an accident within the territory of Himachal Pradesh and as laid down in the Schedule.

Mode of settlement/ payment of the ex-gratia payment payable to the victims of accidents.

3. (a) The District authorities, Himachal Road Transport Corporation or private transport Companies shall send a report in writing of the accidents to the Commissioner Transport, Himachal Pradesh immediately and supply the following data:—

- (i) the complete particulars of the accident; like date, time and place;
- (ii) the particulars of the vehicle involved in the accident like Chassis number, Engine number and registration number;
- (iii) the names of the passengers involved in the accidents and other data regarding their place of residence or business, if available;

(iv) the District authorities shall always be ready and willing to co-operate for any assistance or information or details available with them and required by the Commissioner Transport for the expeditious ex-gratia payment to the passengers in the accidents.

(b) The Commissioner Transport or any Officer authorised by the State Government, on receipt of the intimation about the accident shall make all endeavour to complete their investigation or inquiry about the identity of the passengers involved in the accident or of the dependents or next of the kin of the deceased passenger and shall make ex-gratia payment of the amounts specified in the Schedule, as soon as possible and without delay.

(c) The dependents or next of kin of deceased passenger who shall be entitled for the ex-gratia payment, shall include and mean the wife, husband, parents and children, if any, of the passenger whose death shall have been caused in the accident.

4. (a) In case of death the amount of ex-gratia payment shall be Rupees 10,000 in respect of one passenger above the age of 12 years.

Schedule for the amounts of ex-gratia payment.

(b) In case of permanent total disablement, the amount of ex-gratia payment shall depend upon the nature of disability and as mentioned in the annexure.

(c) In case the passenger involved in the accident is below the age of 12 years, the benefits of ex-gratia payment would be reduced to 50 per cent of the limit mentioned in sub-clauses (a) and (b) of this clause.

5. (a) The Government shall not cover the passengers who are hanging outside the bus/stage carriage or sitting on its roof.

Exclusion.

(b) The Government shall not be liable and called upon to make ex-gratia payment to the passenger travelling in the bus involved in the accident not being plied for hire or reward.

(c) It shall not attach or attract any liability of the Government towards the passengers involved in the bus/stage carriage accidents under the Motor Vehicles Act, 1939 or the Indian Fatal Accidents Act, 1855 or any other law for the time being in force or may be enforced from time to time.

(d) The indemnity provided in the Scheme shall not apply or extend to any loss or damage or liability directly or indirectly, proximately or remotely, connected or arising out of the accidents occasioned by or contributed to by or traceable to or arising out of or in connection with the following:—

(i) War, invasion, the act of foreign enemies, hostilities or war like operations (whether war be declared or not) civil war;

(ii) Mutiny, civil commotion, assuming the proportions of or amounting to a popular rising, military rising, rebellion, revolution, insurrection military or usurped power or any act of any person setting on behalf of or in connection with any organisation with activities directed towards the over-throw by the force of the Government, dejure or defecto to the influencing of it by terrorism or violence or by the direct or indirect consequences of any of the said occurrences.

(iii) Any liability arising out of any accident directly or indirectly caused or contributed to by or arising from ionising, radiations, or contamination by radiation from any nuclear explosion or fuel or from any nuclear waste from the combustion of nuclear fuel or caused by or arising from nuclear weapons/materials.

Indemnity
of State
Govern-
ment.

6. After the Government have made the ex-gratia payment as specified in the Scheme and to the person found entitled by the Government to receive such payment as per their information, enquiry and under bonafide belief, the Government shall not be liable for making the ex-gratia payment to any other person who may later on represent himself to be the legal heir/legal representative of the deceased passenger.

ANNEXURE

(See clause 4)

	Percentage payable of capital sum
(a) Permanent total disablement preventing from attending to employment, occupation or business of any kind whatsoever.	100
(b) Loss of two limbs.	100
(c) Total loss of sight of both eyes.	100
(d) Loss of one leg above ankle.	50
(e) Loss of toes—all	
great, both phalanges	20
great, one phalanx	5
other than great, if more.	2
than one toe lost, each.	1
(f) Loss of one eye.	50
(g) Loss of hearing both ears.	50
(h) Loss of hearing one ear.	15
(i) Loss of one arm at or above wrist.	50
(j) Loss of four fingers and thumb of one hand.	42½
(k) Loss of four fingers.	35
(l) Loss of thumb—both phalanges	25
one phalanx.	10
(m) Loss of index fingers three phalanges.	10

Two phalanges.	8
one phalanx.	4
(n) Loss of middle finger three phalanges.	6
two phalanges.	4
one phalanx.	2
(o) Loss of ring finger three phalanges.	5
two phalanges.	4
one phalanx.	2
(p) Loss of little finger three phalanges.	4
two phalanges.	3
one phalanx.	2
(q) Loss of metacarpals first or second.	3
(additional) third, fourth or fifth.	2

B. C. NEGI,
Secretary.

रजिस्टर्ड नं० एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 23 नवम्बर, 1977/2 अग्रहायण, 1899

GOVERNMENT OF HIMACHAL PRADESH

HORTICULTURE DEPARTMENT

NOTIFICATIONS

Simla-2, the 14th November, 1977

No. HTC-A(4)15/77.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be acquired by the Himachal Pradesh Horticultural Produce Marketing and Processing Corporation Limited, Simla-2, comprising within the meaning of section 3 of the Land Acquisition Act, at its own expenses for the public purpose namely for the construction of Grading House at Rajgarh, District Sirmur it is hereby notified that the land specified in the specifications given below is likely to be acquired for the aforesaid purpose.

2. The notification is being made under section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

3. Further in exercise of the powers conferred on him under aforesaid section the Governor is pleased to authorise officers for the time being engaged in the said undertaking with their servants and workman to enter upon and survey any land in the locality and do all other acts as are required or permitted by the said section.